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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Johnny Marquez,

14 Petitioner,

15 v.

16 Dwight Neven, et al.,

17 Respondents.

Case No. 3:20-cv-00073-RCJ-WGC

**Order Granting Unopposed
motion for extension of time in
which to file second amended
petition**

(Third request)

18 Johnny Marquez respectfully moves this Court for an extension of time of
19 thirty-two (32) days, from March 11, 2021, to and including April 12, 2021, to file a
20 second amended petition.
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ARGUMENT

After the Court appointed counsel to represent Mr. Marquez in this federal habeas action, Mr. Marquez received leave to file an initial first amended protective petition, along with a second amended petition. The second amended petition is currently due March 11, 2021.

Counsel respectfully suggests additional time is necessary to properly prepare the second amended petition. As the previous extension motions explained, the first amended protective petition (which includes all the claims Mr. Marquez litigated in state court) is 76 pages and encompasses eight claims for relief (as well as subclaims). Since the previous extension motions, counsel has continued to review these claims, along with the state court record, with a view toward finalizing the second amended petition. However, additional time remains necessary to complete the process of reviewing the state court record and filing the second amended petition.

Counsel has had many professional obligations in the past two months, including, among others, a reply brief filed on January 11, 2021, in *Bynoe v. Baca*, Case No. 81083 (Nev. Sup. Ct.); a petition for a writ of certiorari filed on January 22, 2021, in *Centofanti v. Neven*, Case No. 20-6957 (U.S.); a second amended petition filed on January 27, 2021, in *Crawford v. Howell*, Case No. 2:19-cv-01574-RFB-BNW (D. Nev.); a reply in support of a petition due on February 18, 2021, in *Burch v. Baker*, Case No. 2:17-cv-00656-MMD-VCF (D. Nev.); an application for a certificate of appealability filed on March 3, 2021, in *Richard v. Gentry*, Case No. 21-15157 (9th Cir.); and a reply brief filed on March 5, 2021, in *Cortinas v. Gentry*, Case No. 20-16227 (9th Cir.). In addition, counsel spent substantial time preparing for an evidentiary hearing previously scheduled on February 8, 2021, in *Bradford v. Gittere*, Case No. 2:13-cv-01784-RFB-EJW (D. Nev.), although the Court postponed that hearing date due to the unanticipated unavailability of a witness for the State.

1 Counsel has many additional professional obligations in the next two months,
2 including, among others, a reply brief due on March 16, 2021, in *Patterson v. Hutch-*
3 *ings*, Case No. 20-15635 (9th Cir.); a reply in support of a petition due on March 18,
4 2021, in *Esquivel v. Williams*, Case No. 2:17-cv-02227-RFB-BNW (D. Nev.); an
5 amended petition due on March 22, 2021, in *Carley v. Gentry*, Case No. 2:14-cv-02097-
6 JCM-BNW (D. Nev.); a second amended petition due on April 13, 2021, in *Thomas v.*
7 *Williams*, Case No. 2:18-cv-00020-GMN-PAL (D. Nev.); and an amended petition due
8 on April 20, 2021, in *Carroll v. Dzurenda*, Case No. 2:20-cv-01691-GMN-NJK (D.
9 Nev.).

10 On March 11, 2021, counsel contacted Deputy Attorney General Adam Solinger
11 and informed him of this request for an extension of time. As a matter of professional
12 courtesy, Mr. Solinger had no objection. His lack of objection shouldn't be considered
13 a waiver of any procedural defenses or statute of limitations challenges, or construed
14 as agreeing with the accuracy of the representations in this motion.

15 In sum, counsel requests an additional thirty-two (32) days, up to and includ-
16 ing April 12, 2021, in which to file the second amended petition. This is counsel's
17 third request for an extension of time to file the second amended petition. This mo-
18 tion isn't filed for the purposes of delay, but in the interests of justice, as well as in
19 Mr. Marquez's interest. Counsel respectfully asks the Court to grant the requested
20 extension.
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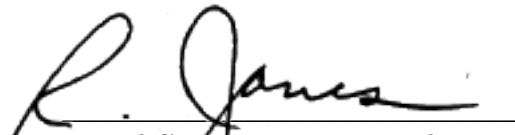
1 Dated March 11, 2021.

2 Respectfully submitted,

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4 Rene L. Valladares
Federal Public Defender

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6 /s/ Jeremy C. Baron
Jeremy C. Baron
7 Assistant Federal Public Defender

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9 IT IS SO ORDERED:

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11 
12 United States District Judge
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14 Dated: March 24, 2021.